

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANTONIO MAESTAS, as Personal Representative
of the Wrongful Death Estate of JOHNNY HENRY,
Deceased, CHAD HENRY and ERIKA HENRY, individually,

Plaintiffs,

vs.

No: 1:14-CV-00631 GBW/SMV

CIMAREX ENERGY CO., T & T TRANSPORTS, INC.,
CASEDHOLE SOLUTIONS, INC., STEPHEN THERIAL,
JAMES HUMES, BOB MOSS, JOSE GRAZA, DONALD
JOHNSON, JAMES HARRIS, MIKE KELLEY and JOHN or
JANE DOE, numbers 1-5,

Defendants.

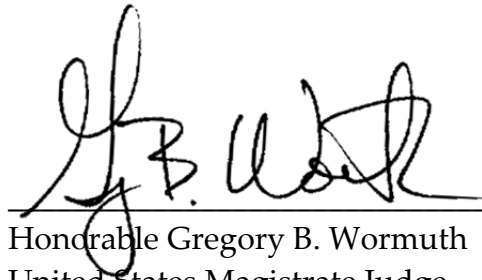
ORDER GRANTING UNOPPOSED MOTION FOR SUMMARY JUDGMENT

THIS MATTER comes before the Court on Defendants Jose Garza and T & T Transports, Inc.'s Motion for Summary Judgment and Memorandum in Support, filed March 11, 2014 ("Motion") in state court, prior to removal of this matter.¹ The Court, noting that the Plaintiffs have conceded the merits of the Motion and have approved the granting thereof, finds that the Motion is well-taken and shall be GRANTED.

IT IS THEREFORE ORDERED that Defendants Jose Garza and T & T Transports, Inc.'s Motion for Summary Judgment and Memorandum in Support, filed

¹ The pending Motion is part of the state court record transmitted to federal court on July 9, 2014. The Motion and exhibits thereto can be found on this Court's docket sheet at *Doc. 4* at 20-60; the Response at *Doc. 5* at 16-23; and the Reply and exhibits thereto is at *Doc. 5* at 32-57.

March 11, 2014, is hereby granted and summary judgment is entered in favor of Defendants Jose Garza and T & T Transports, Inc. with prejudice on all claims brought against them by Plaintiffs. The parties stipulate that they are to bear their own costs.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

Honorable Gregory B. Wormuth
United States Magistrate Judge
Presiding by Consent